IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3650 OF 2004

Shriram Shrinivas Sarada
and others ... Applicants

versus

Dattatray Anandrao Shiralkar
and others ... Respondents

...

Mr.Umesh Mankapure, for the Applicants.
Mr.A.V. Venegaonkar, for the Respondent No.1.
Mr.A.S. Gadkari, A.P.P., for the Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

7th March 2005

P.C.:

. This is a petition praying for transfer of R.C.C.No.211/2000 filed by the Respondent No. 1 in the Court of J.M.F.C., Kolhapur, and Summary Criminal Case No. 104/2000 filed by the

Respondent No. 2 in the Court of J.M.F.C., Vadgaon, to the file of J.M.F.C., Satara, with further directions for trial of those cases with R.C.C. No.55/2000 pending on the file of J.M.F.C., Satara.

. The parties have now agred for disposal of all the criminal cases pending between them inter se on the arrangement which has been arrived at by them amicably. The cross cases have been filed in relation to two chqeues issued by the Petitioner in favour of the Respondents.

. Now, it is not in dispute that the Petitioner has already made over Rs.2,29,000/- towards full and final settlement of the claim arising out of Cheque No. 655694 in the sum of Rs.2,77,000/- and that controversy has been finally settled between the parties. The liability of the Petitioner only remains in respect of the second cheque being Cheque No. 655695 in the amount of Rs.1,94,000/-. However, it is agreed between the parties that the Petitioner will pay sum of Rs.1,29,000/- towards full and final settlement of the claim arising

out of the second cheque as well. However, that payment will be made in instalments.

. Both the parties are personally present in Court and have submitted through their respective Counsel that this arrangement be recorded in the order of the Court. It is agreed that the Petitioner will pay sum of Rs.1,29,000/- in four equal instalments to the Respondents commencing from 1st April 2005. The Petitioner has offered to issue four cheques of equal amount so as to disburse the liability of Rs.1,29,000/- to the Respondents as aforesaid. That statement is accepted. The Petitioner also assures that he will ensure that those cheques are not returned for any reason whatsoever and are honoured by his bankers.

. In this view of the matter, all the disputes pending between the parties inter se have been resolved. Neither the Petitioner has any interest in pursuing the criminal action against the Respondents, nor the Respondents want to precipitate the matter and to continue the action against the Petitioner.

. Accordingly, all the criminal cases pending before different Courts, by consent, are withdrawn to this Court and the same are quashed on the above terms. In other words, R.C.C.No.211/2000 filed by Respondent No.1 in the Court of J.M.F.C., Kolhapur, S.C.C.No. 104 of 2000 pending in the Court of J.M.F.C., Vadgaon and R.C.C.No. 55 of 2000 pending before the J.M.F.C., Satara, all three cases, are withdrawn to this Court and the same are quashed on the assurance given by the Petitioner and the arrangement accepted by the Respondents as referred to above. Ordered accordingly.

(A.M.KHANWILKAR,J.)